

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL OF)
THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT, in)
his capacity as the TRUSTEE FOR)
NATURAL RESOURCES FOR THE)
STATE OF OKLAHOMA,)
Plaintiff,)
v.)
TYSON FOODS, INC., et al.,)
Defendants,)
TYSON FOODS, INC., et al.,)
Third-Party Plaintiffs,)
v.)
CITY OF TAHLEQUAH, et al.,)
Third-Party Defendants.)

Case No. 4:05-CV-00329-TCK-SAJ
The Honorable Terence Kern

**FIRST REQUEST FOR EXTENSION OF TIME TO ANSWER
THIRD-PARTY COMPLAINT AND ADOPTION OF PLAINTIFF'S MOTION TO
STAY ANSWERS OF THIRD PARTY DEFENDANTS
OF THIRD-PARTY DEFENDANT EAGLE NURSERY, LLC**

Third-Party Defendant, Eagle Nursery, LLC ("Eagle Nursery"), requests the Court to grant it an extension of time within which to file its answer to the Third-Party Complaint, to and including two weeks from the date the Court rules on the Plaintiffs' Motion to Stay Answers to Third Party Complaint (#248), filed herein on April 3, 2006. In support therefor, Eagle Nursery states:

1. Its answer to the Third-Party Complaint is currently due April 20, 2006.

2. This is the first extension of time requested by Eagle Nursery.

3. This case involves complex litigation regarding complex environmental issues. More time is needed by Eagle Nursery adequately investigate the allegations against it and determine its defenses thereto.

4. As further grounds therefore, Eagle Nursery adopts and incorporates herein the Motion to Stay Answers of Third Party Defendants (#248) filed by Plaintiff on April 3, 2006.

5. Counsel for Eagle Nursery has asked the Third-Party Plaintiffs if they consent to the requested extension, and have been advised that they do not consent.

6. To the best knowledge of Eagle Nursery, the requested extension of time will have no impact on any trial or other deadlines.

WHEREFORE, based upon the foregoing, Eagle Nursery, LLC requests additional time within which to file its response to the Third-Party Complaint, to and including a date two weeks from the date the Court rules on Plaintiff's Motion to Stay.

DOERNER, SAUNDERS, DANIEL
& ANDERSON, L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2006, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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and I hereby certify that I have mailed the document by the United States Postal Service to the following non CM/ECF participants:

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